

## Technical Assistance for Nutrition (TAN)

### **PAK-03 - Development of rules and standards for articles of food under Provincial Food Safety Authority Act 2014 in Khyber Pakhtunkhwa, Pakistan**

#### Terms of Reference (ToRs)

Nutrition International (NI) is committed to the fundamental principles of equal employment opportunity. Women are encouraged to apply.

#### Background

Technical Assistance for Nutrition (TAN) is a project led by the United Kingdom's Department for International Development (DFID) which seeks to improve the capacity of SUN countries to design, deliver, and track the progress of nutrition programs and to generate, learn from and adopt knowledge of what works. NI is contributing to TAN by coordinating the provision of technical assistance to help national SUN Focal Points in select countries to overcome gaps in capacity for the design and delivery of multi-sectoral national nutrition plans, tapping into its global hub to source and deploy the expertise needed.

Food safety has always been an issue of concern globally. Given that food intake is the fundamental pre-condition for survival, food safety issues were recognized and prioritized by many countries as an important area for legislation. To ensure that people obtain safe food, countries have adopted multi-dimensional approaches targeted at all levels of the food chain - production, storage, supply, distribution, and consumption, etc.

Food safety standards in Pakistan were first established and published in the Pakistan Pure Food Laws (PFL) of 1963, and revised in 2007. The PFL is the basis for the existing trade-related food quality and safety legislative framework in the country.

In 2011, Pakistan's 18<sup>th</sup> constitutional amendment devolved most of the government functions including agriculture and health sectors to the provinces, bringing the issue of food safety under the aegis of multiple ministries at the federal level, and departments of Health at provincial level. The provincial governments are responsible for enforcing food standards and regulations for domestically produced products, although they do not have enforcement authority over imported food.<sup>1</sup>

The Government of Khyber Pakhtunkhwa (GoKP) has enacted the provincial Food Safety Authority Act (FSAA) 2014 to provide for the safety and standards of food in the province, and establishment of the provincial Food Safety Authority (FSA) under the Department of Health (DoH). The FSAA puts in place comprehensive regulations to improve the quality of food sold and consumed in the province and provides for strict punishments to these individuals/companies who violate these regulations.

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<sup>1</sup> Food and Agricultural Import Regulations and Standards (FAIRS) Country Report Pakistan; GAIN; December 2016

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The FSSA is comprehensive in its scope, and defines firms/ food operators as those entities which produce, sell, transport, store, distribute, import or export food.<sup>2</sup>

The GoKP has established the FSA under the FSAA to provide for the safety and standards of food, improve quality of food to help nutrition status of masses, and prevent malnutrition and other food related illnesses. The FSA is to regulate and monitor food businesses to ensure provision of safe food, and includes Administrative Secretaries of agriculture and livestock, health and other departments as its members.

Though the FSAA (Act) and FSA (Authority) are in place, there are no rules of business to guide the GoKP with implementation of FSSA 2014. In addition, the FSA needs to be strengthened in terms of its authority, responsibility and accountability. In this context, the Government SUN Focal Point and GoKP have jointly sought TA from NI under the TAN project for development of rules of business detailing the modalities for implementation of the FSAA 2014, and strengthening of the FSA, to eventually help achieve objectives of the FSAA.

### Objectives

#### Overall objective

Support the GoKP for developing regulations of concern and standards for articles of food in general, with emphasis on fortified staple food items<sup>3</sup>, and specifying an appropriate system for enforcing these standards under the provincial FSAA 2014.

#### Specific objectives

1. To analyze global and other provincial Food Acts and rules of business, and draw learnings on how those might be used in drafting the rules of business and standards for FSAA 2014.
2. To review GoKP's FSAA 2014 and other relevant provincial documents, to understand the provincial laws for safety and standards of food in general, with emphasis on fortified staple food items, and mandate for establishment of the FSA, and assess gaps and challenges related to provincial FSAA 2014.
3. To design the structure, roles and responsibilities, and operational jurisdiction for the provincial FSA.
4. To finalize rules of business and standards for FSAA 2014 by consulting with government departments, commerce, industry, and other relevant stakeholders.

### Expectations

This TA is expected to bring a significant contribution to the GoKP FSA's ability to effectively implement food safety legislation in the province. It is expected that this consultancy will lead to the following results:

- Rules of business and standards for FSAA 2014 formulated are in line with the global and national standards, and accepted by stakeholders.

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<sup>2</sup> Dawn article; New food safety law; April 21, 2014; <https://www.dawn.com/news/1101241>

<sup>3</sup> Fortified staple food items include wheat flour, rice, edible oil and salt.

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- Effective coordination and coherence established with other existing acts and bodies.
- Alignment instituted with other working mechanisms within the province.

The successful applicant(s) is expected to work closely with government departments, commerce, industry, other relevant stakeholders and NI to ensure that the approach fits the desired focus of this TA at each step.

NI is committed to gender equality. Consultant(s) are required to indicate how they will ensure that gender equality considerations are included in the provision of technical assistance.

### Scope of Work

The purpose of the TA is to guide the FSA, GoKP in implementation of the FSAA 2014 by framing the rules and standards in relation to articles of food in general, with emphasis on fortified staple food items, and the FSSA.

Expected duration of the assignment is nine months.

Applicant(s) are requested to present specific objective-based activities along with proposed level of effort required for each activity, in terms of number of days, as part of their technical proposal.

### Deliverables

1. Inception report (to be submitted within 2 weeks from the date of signing of the contract) including the following information:
  - i. Detailed work plan.
  - ii. Risks and mitigation strategies.
  - iii. Tools for discussions with key stakeholders.
2. Desk review report prepared including:
  - i. Learnings from analysis of global and other provincial Food Acts and rules of business.
  - ii. Information of GoKP's FSAA 2014 and other relevant provincial documents, essential components and stakeholders involved.
3. Summary prepared for consultations with stakeholders concerned with implementation of the Act, to gain inputs for designing the structure, roles and responsibilities, and operational jurisdiction for FSA.
4. Framework prepared outlining structure of and components to be included under rules of business for FSAA 2014.
5. Draft rules of business formulated including, but not restricted to:
  - Food safety and standard rules
  - Enforcement mechanism
  - Operational jurisdiction
  - Finances and reports
  - Offences and penalties
  - Sampling and analysis

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- Prohibition and recalling procedure
- Responsibilities of line departments
- 6. Rules of business revised based on feedback received from stakeholders and validated through multi stakeholder platform review, and report prepared.
- 7. Final rules of business submitted to the provincial DoH and FSA, for further submission to the provincial Law Department for vetting.

### Duty Station/Location

The Consultant(s) will be based out of Khyber Pakhtunkhwa province for this assignment. The provincial FSA will provide official work space to the Consultant(s) to hold joint discussions, meetings and reviews. The Consultant(s) can otherwise work from home.

### Travel

The Consultant(s) is expected to undertake some local travel within the province. All travel required under this consultancy will be provided for by NI and/or GoKP.

### Timeline

This support to the FSA would be for a period of up to 9 months, from 1<sup>st</sup> December 2017 to 31<sup>st</sup> August 2018. The Consultant(s) providing this TA will be working full time for the duration of the assignment.

### Management and Reporting/Coordination mechanism

1. The Consultant(s) will report to the Director General, FSA. The Consultant(s) will also work closely with Chief Health, GoKP who is also the Provincial SUN Focal Point and with other officials and specific divisions of DoH and NI.
2. The FSA will facilitate the operational linkages with all the other relevant sectors and stakeholders under this TA.
3. The Consultant(s) is expected to work in close coordination and harmony with other consultants/ development partners working with the FSA.
4. NI will provide the funding for the assignment, and payment will be subject to performance and reaching deliverables as agreed upon at the moment of contract signing.
5. NI will provide technical input into the assignment and is responsible for assuring the quality of the work being delivered by the Consultant(s).

### Profile/qualifications of Consultant

A Consultant or a team of Consultants with requisite local knowledge and skill set would be preferred for this TA.

The Consultant(s) will be selected following a competitive recruitment process. The profile of the Consultant(s) has been presented below.

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### Education:

- At least Post-graduate level qualification in Law/ Food Law/ Food Safety/ Food Safety Law/ Food Regulatory Compliance/ any other related field(s).
- Qualification in nutrition is mandatory.

### Language Skills:

- Fluency in written and spoken English is mandatory.
- Knowledge of Pashto and/or Urdu language(s) would be an advantage.

### Experience:

- iii. At least 10 years of relevant experience in formulating and/or implementing and/or reviewing Food Safety Acts and Regulations.
- iv. Experience of supporting the national/ sub-national government(s) in setting up and/ or strengthening and/ or managing food safety authorities/ control bodies.
- v. Experience reviewing and analyzing global food regulations/ laws/ Acts and synthesizing relevant information to contextualize to national/ sub-national settings.
- vi. Experience of working with Pakistan Standards and Quality Control Authority (PSQCA)/ Food Department/ Pakistan Council of Scientific and Industrial Research (PCSIR)/ law firms with expertise in food legislation would be an added advantage.
- vii. Proven experience in managing multi-stakeholder and multi-sectoral working groups in national and/or sub-national settings.
- viii. Experience of working in a multi-cultural environment is an asset.

### Application Process

Interested consultants are invited to submit the following by email to

**TechnicalAssistance@NutritionIntl.org** before 30<sup>th</sup> September 2017.

- i. Up-to-date curriculum vitae.
- ii. Technical proposal: not exceeding five pages, describing the Consultant(s) understanding of the task, proposed methodology and detailed work plan that breaks down activities and outputs.
- iii. Financial proposal: including monthly fee rate, suggested number of trips/days in-country and any other expenses required to fulfill the terms of the consultancy (meetings, materials, etc.).

Kindly mention ‘**Application for PAK-03 - Development of rules and standards for articles of food under Provincial FSSA 2014 in Khyber Pakhtunkhwa, Pakistan**’ in the subject line of the email.